

REMARKS

Claims 1-13 and 15-28 are pending in this application. Claims 1, 3, 5-7, 16 and 20-25 are independent. Based on the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-13, 20 and 26-28 under 35 U.S.C. §102(e) as being anticipated by Maissel (USP 6,637,029); rejected claims 15, 16, and 21-25 under 35 U.S.C. §103(a) as being unpatentable over Maissel in view of Blahut (USP 5,446,490); and rejected claims 17-19 under 35 U.S.C. §103(a) as being unpatentable over Maissel in view of Blahut and further in view of Itakura (USP 6,157,946). Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the Interview conducted on January 28, 2010. During the Interview, the parties discussed the claimed invention in light of the teachings of the cited art. During the Interview, the parties agreed that should the claims be amended to recite that the data is output based on receipt of a channel change request from a user, then the outstanding rejection would be overcome.

By this amendment, Applicant has amended the claims to recite that the data is output based on receipt of a data change request from a user.

Claim Rejections – 35 U.S.C. §102

The disclosure of Maissel is directed to an intelligent electronic program guide. The system in Maissel includes a profile storage unit for storing a viewer preference profile and in

intelligent agent for customizing the program schedule information based, at least in part, on the viewer preference profile to produce a program guide including customized program schedule information (Abstract).

Maissel further discloses in col. 14, lines 9-34 as follows:

customizing a channel to contain selected programs from the program guide, typically by creating a virtual channel comprising, for example, a list of times and channels on which preferred programs are broadcast at those times, to give a viewer the appearance that the viewer's preferred programs are all broadcast on the customized channel...

However, claim 1, as amended, clearly requires an output unit **outputting data based on receipt of a data change request from a user**; and a switch destination data determining unit **determining a switch destination of data being output by said output unit, based on a result of counting by said preference score counting unit**, wherein said switch destination data determining unit determines probability of data to be said switch destination such that data of high preference score has high probability, based on the result of counting of the preference score by said preference score counting unit.

As discussed during the interview, the Maissel fails to teach or suggest determining a switch destination of data being output by the output unit wherein the output data is output based on receipt of a data change request from a user.

As such, Applicant respectfully submits that claim 1 is not anticipated by the teachings of Maissel. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2, 8-13, 15 and 26-28 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. It is further respectfully submitted that claims 3, 5-7, 16 and 20-25 similarly recite the elements discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Claim Rejections – 35 U.S.C. §103

In support of the Examiner's rejection of claims 15-19 and 21-25, the Examiner relies on the teachings of Maissel, Blahut and/or Itakura to support the assertion of obviousness. However, Blahut and Itakura fail to cure the deficiencies of the teachings of Maissel as noted above. Thus, as none of the references, either alone or in combination, teach or suggest all of the claim elements, assuming these references are properly combinable, which Applicant does not admit, it is respectfully requested that the outstanding rejections be withdrawn.

Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinat Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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